IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.Rev.Pet.No. 810 of 1998

CRA.102/1995 of SESSIONS COURT, THRISSUR
ST.837/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD

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REVN. PETITIONER:

SAJI, S/O. LONAPPAN,
PAREKATTIL, PULIYANNUR P.O.
ANKAMALI, ALUVA TLAUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS:

STATE OF KERALA, REPRSENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 15-2-2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 4099 OF 1998 IN CRL.R.P.NO.810 OF 1998-C

DISMISSED.

15-2-2007 SD/-K.R.UDAYABHANU, JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.810 of 1998

DATED THIS THE 15TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner stands convicted for the offence undr Section 279 IPC, Sections 66 read with Section 192 of the Motor Vehicles Act, 130(1), 130(3),158(1), (a), 158(1) (d) read with Section Section 177 of the Motor Vehicles Act. The appellate court modified the sentence under Section 279 I.P.C. to rigorous imprisonment for seven days. The sentence of fine imposed under Section 279 IPC was upheld sustaining the sentence to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for 15 days. He was also convicted for the other offences and sentenced to pay varied amounts of fine and in default to undergo imprisonment. The allegation is that the petitioner drove a Mini lorry in a rash and negligent manner so as to endanger human life without having a valid driving licence and carrying passengers in excess of the capacity of the vehicle. The appellate court modified the sentence considering the young

age of the revision petitioner, that is 22 years, at that time. I find that the incident has taken place on 25-4—1995. Considering the fact that so far he was under the shadow of the order of imprisonment and considering the fact that no accident as such has resulted, the sentence is modified and confined to the fine portion alone. The sentence of rigorous imprisonment for seven days is avoided. The Crl.R.P.is allowed.

K.R.UDAYABHANU, JUDGE

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